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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,597	03/19/2004	Rodney Kern	92/D97-035C	9552
34431 7590 02/22/2008 HANLEY, FLIGHT & ZIMMERMAN, LLC 150 S. WACKER DRIVE SUITE 2100 CHICAGO, IL 60606				
EXAMINER				
REDMAN, JERRY E				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
02/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,597

Applicant(s)

KERN ET AL.

Examiner

Jerry Redman

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31, 55, 58-66 and 70-73 is/are pending in the application.
- 4a) Of the above claim(s) 55, 58-66 and 70-72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30, 31, and 73 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The status of the claims is as follows:

Claims 1-28, 32-54, 56, 57, and 67-69 have been cancelled;

Claims 55, 58-66, and 70-72 are hereby withdrawn from consideration;

and

Claims 30, 31, and 73 are herein addressed below.

Claims 30, 31, and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 73, line 8, there is a lack of antecedent basis for "the impact".

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, and 73 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (6,187,411) in view of Jaster et al., (5,347,755). Palmer ('411) discloses panel (50) having flexible fabric covering (column 3, lines 16-17, column 4, lines 63-64), a foam core (10, column 4, line 43), and a plurality of rigid segments. Palmer ('411) fails to disclose the panel to be actuated between an open and closed position to cover an opening. Jaster et al. ('755) disclose a door actuating system which moves panels horizontally to cover an opening within a wall. It would

have been obvious to one of ordinary skill in the art at the time of the invention to provide the flexible door panel of Palmer ('411) with a drive system as taught by Jaster ('755) since a drive system allows the panel to be moved between two positions.

Claims 30, 31, and 73 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Jaster et al. (5,347,755) in view of Palmer (6,187,411). Jaster et al., ('755) disclose a door actuating system comprising a door panel (1) moved between an open and closed position. Jaster et al., ('755) fail to disclose the panel to be flexibly reinforced and covered with a fabric. Palmer ('411) discloses panel (50) having flexible fabric covering (column 3, lines 16-17, column 4, lines 63-64), a foam core (10, column 4, line 43), and a plurality of rigid segments. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Jaster et al. ('755) with a flexible panel as taught by Palmer ('411) since a flexible panel allows the panel to be distorted without losing it's material properties.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patents to Anderson and Slayter disclose elements similar to that of the applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Redman whose telephone number is 571-272-6835. The examiner can normally be reached on M-F from 8 to 6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Mitchell, can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jerry Redman
Primary Examiner
Art Unit 3634

/Jerry Redman/

Primary Examiner, Art Unit 3634